



REQUEST FOR REVIEW
THIS IS AN APPEAL

1/5/06

Contact is Tim Templeton
P.O. Box 1507
Red Bluff, Ca 96080
(530) 529-8733
(530) 529-8738 fax
tim@rbuhd.k12.ca.us

DOCKET FILE COPY ORIGINAL

Mineral Elementary School District
Form 471 Application Number: 472812
Billed Entity Number: 144743
CC DOCKET NO 02-6

Appealing: Form 471 Funding Commitment Decision Letter "Denied."
Funding Year 2005
Date of Document is 10/26/2005

The reason for this appeal is that FRN references services that require a posting of a 470 for each funding year.

We mistakenly did not post a Year 8 form 470 for this month-to-month service. We have received the same telecommunication services from the same vender for the past three years. This vendor is the only provider in this rural area. Since 1999 no other vendors have ever provided a bid for these services. They are a small rural school that would either have to stop all other technology related spending in order to pay for these costs or disconnect from the network.

Thank you for considering this appeal.

Tim Templeton
Technology Services Director
(530) 529-8733
(530) 200-5680 Cell

No. of Copies rec'd _____
List A B C D E _____

RECEIVED & INSPECTED

JAN 18 2006

FCC - MAILROOM

USAC

Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal – Funding Year 2005-2006

December 13, 2005

Tim Templeton
Mineral Elementary School District
P.O. Box 1507
Red Bluff, CA 96080

Re: Applicant Name: MINERAL ELEMENTARY SCHOOL DIST
Billed Entity Number: 144743
Form 471 Application Number: 472812
Funding Request Number(s): 1302762
Your Correspondence Dated: November 01, 2005

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of SLD's Funding Year 2005 Funding Commitment Decision Letter for the Application Number indicated above. This letter explains the basis of SLD's decision. The date of this letter begins the 60-day time period for appealing this decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 1302762
Decision on Appeal: **Denied**
Explanation:

- On appeal, you seek reversal of SLD's decision to deny the funding request because the services requested require posting of a Form 470 for each funding year. You state that Mineral Elementary School District mistakenly did not post a Form 470 for month-to-month telecommunications service for Funding Year 2005. You also state that the vendor is the only provider in your area, and they have been providing the same services for the past three years.
- Upon thorough review of your appeal letter and the relevant supporting documentation, the SLD has determined that the referenced Form 470 (application #709600000484753) was not posted for the funding year 2005-2006. During initial review of Form 471, you confirmed that no Form 470 was posted for Funding Year 8. The rules of this support mechanism require that services

delivered on a tariff or month-to-month basis must be posted for 28 days in a new Form 470 each funding year. Since the referenced Form 470 was not filed in the same funding year as the Form 471, the request is in violation of the competitive bidding requirements relating to tariff and month-to-month services. It is the applicant's responsibility to ensure that their application is in compliance with the FCC rules.

- The Form 471 you submitted to SLD indicates that you are seeking support for tariff or month-to-month services. Since these types of services are not subject to a multi-year contract, they need to be competitively bid for each funding year. Therefore, you should have posted a new Form 470 to the web site in this funding year to inform potential bidders that you were seeking these services. Consequently, SLD denies your appeal because you did not comply with the competitive bidding requirement that your Form 470 be posted to the web site for 28 days.
- The Form 470 associated with your funding request is for a prior funding year. Your Form 471 indicates that you are seeking discounts for tariff or month-to-month services for the current funding year. FCC rules require that except under limited circumstances, all Forms 470 received be posted on the USAC web site for 28 days, and that applicants carefully consider all bids received before selecting a vendor, entering into an agreement or signing a contract, and signing and submitting a Form 471. 47 C.F.R. §§ 54.504(a) and (b), 54.511(a) and (c). These competitive bidding requirements help ensure that applicants receive the lowest pre-discount price from vendors. See Federal-State Joint Board on Universal Service, CC Docket No. 96-45, *Order on Reconsideration*, 12 FCC Rcd 10095, p. 10098, FCC 97-246, ¶ 9 (rel. Jul. 10, 1997). This posting requirement applies to requests for discounts for month-to-month or tariff services as well as contracted services. 47 C.F.R. § 54.504(b).

If your appeal has been approved, but funding has been reduced or denied, you may appeal these decisions to either the SLD or the FCC. For appeals that have been denied in full, partially approved, dismissed, or canceled, you may file an appeal with the FCC. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received or postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company

Tim Templeton
Mineral Elementary School District
P.O. Box 1507
Red Bluff, CA 96080

Billed Entity Number: 144743
Form 471 Application Number: 472812
Form 486 Application Number: